

E N D O R S E M E N T

GREGORY C. MILTON v. WINDELL JONES, SERGEANT GARCIA, HARRY
SCALES, BADGE NUMBER 1762, BOSTON POLICE DEPT. and CITY OF BOSTON
04-CV-10482-MEL

LASKER, D.J.

Defendants move to dismiss the complaint on the grounds that it is time-barred by the applicable statute of limitations. The motion is GRANTED.

Gregory C. Milton ("Milton") sues to recover for alleged civil rights violations and tortious conduct dating back to arrests made in 1988 and 1990. Because 42 U.S.C. § 1983 does not contain a statute of limitations, the forum state's limitation period governing personal injury causes of action applies. Massachusetts prescribes a three year statute of limitations for personal injury actions. M.G.L. c. 260, § 2A.


As Milton was arrested on May 15, 1988 and July 13, 1990, the statute of limitations began to run on those dates. Therefore, the latest dates at which Milton could have filed suit were May 15, 1991 and July 13, 1993, respectively. Because this suit was filed over fourteen years after Milton's last alleged arrest, it must be dismissed as time-barred by the applicable three year statute of limitations.

If Milton's claims are accurate, it seems unfortunate that he did not sue within the period of time the law allows. Regrettable as that may be, however, the Court has no authority to permit this case to go forward.

Accordingly, the defendants' motion to dismiss the complaint is GRANTED.

It is so ordered.

Dated: November 8, 2004
Boston, Massachusetts


/s/ Morris E. Lasker
U.S.D.J.